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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 DARRELL HUNTER,  
10 Plaintiff,

11 v.

12 CITY AND COUNTY OF SAN  
13 FRANCISCO, et al.,

14 Defendants.  
15

Case No. 11-4911 JSC

**ORDER REGARDING PLAINTIFF'S  
VIDEO WITNESSES**

16 Now pending before the Court is Plaintiff's Offer of Proof regarding the proposed  
17 testimony of Kevin Lyons and Eric Younger. (Dkt. No. 183.) The Court has considered  
18 Plaintiff's submission and concluded that oral argument is not necessary, *see* Civil L.R. 7-1.  
19 The Court hereby rules as follows:

20 Plaintiff has failed to establish that Eric Younger has any relevant or probative  
21 testimony. With respect to Kevin Lyons, his testimony is permissible for the limited purpose  
22 of establishing that if one had viewed the monitor in the control room during the relevant time  
23 period he or she would have seen the smudge; however, this testimony is only admissible if  
24 Plaintiff first lays a foundation establishing that Defendants were in the control room and  
25 viewed the monitor during the relevant time period.  
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**IT IS SO ORDERED.**

Dated: August 2, 2013

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JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE

United States District Court  
Northern District of California